

Application No. 10/736,090  
Amendment dated 11/14/2005  
Reply to Office Action of July 12, 2005

Docket No.: 10040070-1

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to FIG. 6.

Attachments:      Replacement sheet  
                        Annotated sheet showing changes

**REMARKS**

**I. General**

Claims 1-2, 7-18 and 44 were pending in the application, and all pending claims currently stand rejected. Claim 1 stands rejected under 35 U.S.C. § 102. Claims 2, 7-18 and 44 stand rejected under 35 U.S.C. § 103. Claims 1-2, 7-9 and 44 are canceled without prejudice in this current amendment. Accordingly, claims 10-18 will remain pending in the application

Applicant notes that the Office Action Summary page contains a typographical error. Line 4a of the summary page should reflect that claims 3-6 and 19-43 are withdrawn from consideration, rather than the stated list of claims 3-8 and 19-43. Claims 7 and 8 are in elected Group I and are therefore not withdrawn. See the Restriction Requirement mailed on August 6, 2005.

Claim 10 is amended to include the limitations of claim 7 and intervening claims 8 and 9, thereby presenting claim 10 in independent form. Claim 12 is amended to include the limitations of claim 7 and intervening claims 8, thereby presenting claim 12 in independent form. Claims 7, 8 and 9 are canceled. Applicant asserts that claims 10 and 12 in their amended forms present claims of the same scope as originally submitted. No new matter has been entered by these amendments. Claim 11 is amended to reflect dependence on newly-independent claim 10, and claims 13-18 are amended to reflect dependence from newly-independent claim 12.

A new independent claim 45 is added, along with claims 46-52, which depend from one of claims 10, 11, 12 and 45. Applicant asserts that support for these new claims can be found in the original specification, at least in paragraphs [0008] and [0018]-[0024] along with Figure 2, and that no new matter has been added. Applicant further asserts that these claims are patentable over the cited art.

Applicant hereby traverses the outstanding rejections and respectfully requests reconsideration and withdrawal in light of the remarks contained herein.

## **II. Rejections under 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,803,976 to Fujioka et al. (“Fujioka”). Claim 1 is canceled without prejudice, rendering the rejection of claim 1 moot.

## **III. Rejections under 35 U.S.C. § 103**

Claims 2 and 7-13 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujioka in view of U.S. Patent No. 6,670,753 to Hatano et al. (“Hatano”). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujioka in view of Hatano and further in view of U.S. Patent No. 5,688,708 to Kato et al. (“Kato”). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujioka in view of Hatano and further in view of U.S. Patent Application Publication No. 2004/0021805 by Nagata et al. (“Nagata”). Claims 16-18 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujioka in view of Hatano and further in view of U.S. Patent No. 6,424,388 to Colgan et al. (“Colgan”). Claims 2, 7-9 and 44 are canceled without prejudice, rendering the rejections of claims 2, 7-9 and 44 moot.

In order to establish obviousness under 35 U.S.C. § 103(a), three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Third, the applied art must teach or suggest all the claim limitations. M.P.E.P. § 2143.03.

Without conceding the first two criteria, Applicant asserts that the rejections of claims 10-18 fail to satisfy at least the third criteria.

### **A. The Combination of Fujioka and Hatano Fails to Teach or Suggest All Elements of Independent Claims 10 and 12**

Independent claim 10 recites “the electrodes are operable to generate a field parallel to the top plate.” The proffered combination of Fujioka and Hatano does not teach or suggest at least this element of claim 10. The field generated in Fujioka is between the top plate and the substrate, thus intersecting the top plate rather than being parallel to the top plate.

The Office Action admits that neither of the references explicitly state that the electrodes are configured to generate a field parallel to the top plate. The Office Action alleges, however, that the field in Fujioka is “substantially parallel” to the top plate. Applicant notes that Figure 2 of Fujioka shows electrode 105 contained within element 202, which the Office Action identifies as a top plate. Figure 1 further shows electrode 105 spanning two edges of element 202. The field in Fujioka would therefore be oriented between substrate 101 to element 202 – intersecting element 202 and therefore not parallel to element 202.

Therefore, Fujioka does not teach or suggest electrodes that are operable to generate a field parallel to a top plate as required by claim 10. The Office Action does not rely on Hatano as meeting this element of claim 10. As such, the combination of Fujioka and Hatano does not teach or suggest all elements of claim 10. Accordingly, Applicant requests the 35 U.S.C. § 103(a) rejection of claim 10 be withdrawn.

Independent claim 12 recites “the electrode is operable to generate a field parallel to the top plate.” The proffered combination of Fujioka and Hatano does not teach or suggest at least this element of claim 12. The field generated in Fujioka is between the top plate and the substrate, thus intersecting the top plate rather than being parallel to the top plate.

The Office Action admits that neither of the references explicitly state that the electrodes are configured to generate a field parallel to the top plate. The Office Action alleges, however, that the field in Fujioka is “substantially parallel” to the top plate. Applicant notes that Figure 2 of Fujioka shows electrode 105 contained within element 202, which the Office Action identifies as a top plate. Figure 1 further shows electrode 105 spanning two edges of element 202. The field in Fujioka would therefore be oriented between substrate 101 to element 202 – intersecting element 202 and therefore not parallel to element 202.

Therefore, Fujioka does not teach or suggest electrodes that are operable to generate a field parallel to a top plate as required by claim 12. The Office Action does not rely on Hatano as meeting this element of claim 12. As such, the combination of Fujioka and Hatano

does not teach or suggest all elements of claim 12. Accordingly, Applicant requests the 35 U.S.C. § 103(a) rejection of claim 12 be withdrawn.

**B. The Combination Fails to Teach or Suggest All Elements of the Dependent Claims**

Claims 11 and 13-18 depend from a respective one of claims 10 and 12. Accordingly, dependent claims 11 and 13-18 are asserted to be patentable over the 35 U.S.C. § 103(a) rejections of record for, at least, the reasons set forth above with respect to claims 10 and 12. Moreover, these dependent claims set forth additional new and non-obvious limitations not present in the art of record.

For example, claim 15 recites “a filter that separates from the liquid crystal material contaminants formed during operation of the LC cell.” The Office Action admits that Fujioka and Hatano fails to teach a filter that separates the liquid crystal contaminants, and attempts to introduce Nagata, which the Office Action alleges teaches such a filter. However, Nagata instead teaches filtering the etching solution that is used during LC manufacturing. Nagata, paragraph [0075]. Applicant notes that no LC cell disclosed by Nagata would comprise a filter for etching solution that is used for manufacturing subsequent LC cells. No other cited references are relied upon as teaching this aspect of claim 15.

#### IV. Conclusion

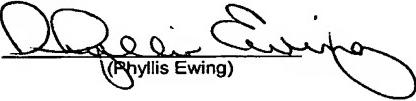
In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 10040070-1 from which the undersigned is authorized to draw.

Dated: 11/14/2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 629199638 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 10/14/2005

Signature:   
(Phyllis Ewing)

Respectfully submitted,

By \_\_\_\_\_

  
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Attachments

ANNOTATED  
SHEET

3/3

FIG. 5

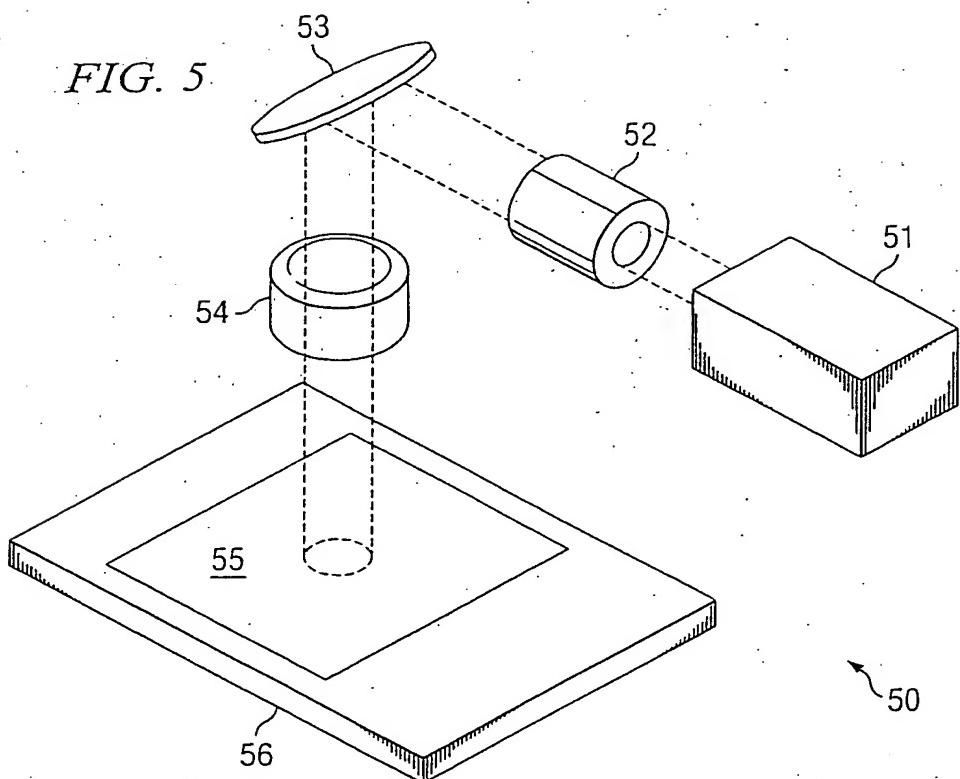


FIG. 6

